



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: February 19, 2013

SUBJECT: **BZA Case 18504** – Request for a variance for property located at 1030 Taussig Place NE

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of a variance requested to reduce the minimum lot area required under § 401.1 for a semi-detached dwelling in an R-2 district from 3,000 square feet to the 2,300 square feet to allow construction of a semi-detached dwelling on the subject property.

II. AREA AND SITE DESCRIPTION

Address:	1030 Taussig Place NE
Legal Description:	Square 3890, Lot 0035
Ward:	5B
Lot Characteristics:	This record lot is 40 feet wide, has a total area of 2,300 square feet (0.05 acre) and has frontages along Taussig Place NE and a rear alley that is 15 feet wide. A building restriction line set 5-feet back from Taussig Place frontage extends across the property from east to west. There is also an existing curb cut along the rear alley.
Existing Development:	The property is surrounded by chain link fence and thick landscape buffer of trees and tall shrubbery. There is also a parking pad accessed from a curb cut along the alley.
Zoning:	R-2 – allows one-family detached and semi-dwellings as a matter of right.
Historic District:	None
Adjacent Properties:	The abutting properties are developed with two-story detached and semi-detached one-family dwellings, some with garages in the rear yard along the alley. Neither dwelling on the adjacent lots has a facing wall along the common boundary shared with the subject property (refer to Figure 1).
Surrounding Neighborhood Character:	Moderate-scale residential.



III. APPLICATION IN BRIEF

Applicant:	Brookland Homes, the contractor purchaser of the subject property, as authorized by Marvin Lytle, Jr., the owner of record.
Proposal:	The applicant proposes to construct a one-family semi-detached dwelling on this property. No architectural plans for the proposed dwelling were provided with the application. The undated pre-hearing statement of the applicant described the proposed dwelling as having a 12-foot side yard to the east, no side yard to the west and otherwise conforming to the other requirements of the Zoning Regulations.
	The lot area of 2,300 square feet equals 76.7 % of the minimum 3,000 square foot required for a semi-detached dwelling in R-2 under § 401.3 of the Zoning Regulations. A deed on file with the DC Register of Deeds confirms that the subject property was in single ownership prior to 1957. As a result this property, which does not adjoin another undeveloped lot, can only be developed under § 401.2 if <i>both</i> the lot area and width equal at least 80% of the minimum requirements. Although the lot width of 40 feet exceeds the regulation standard, the lot area is less than 2,400 square feet which is 80% of the required lot area minimum. Accordingly, the applicant seeks to reduce the minimum lot area requirement to equal the area of the subject property.
Relief Sought:	§3103.2 – for variance relief to reduce the referenced lot area requirement to equal the area of the site.

IV. ZONING REQUIREMENTS

R-2 District	Regulation	Existing	Proposed	Relief
Height (ft.) § 400	40 ft. max., 3 floors	N.A.	N.A.	None required
Lot Width (ft.) § 401	30 feet min.	40 feet	40 feet	None required
Lot Area (sq. ft.) § 401	3,000 sq. ft. min.	2,300 sq. ft.	2,300 sq. ft.	- 23.3%
Lot Occupancy § 403	40% max.	N.A.	N.A.	None required
Rear Yard (ft.) § 404	25 ft. min.	N.A.	N.A.	None required
Side Yard (ft.) § 405	8 ft. min.	N.A.	N.A.	None required
Parking § 2101	1 space/dwelling min.	1 space	N.A.	None required

The applicant proposed to construct a semi-detached dwelling which is defined under § 199 as:

Dwelling, one-family semi-detached - a one-family dwelling, the wall on one (1) side of which is either a party wall, or lot line wall, having one (1) side yard.

Section 405.3 of the regulations requires a one-family dwelling in an R-2 district that does not share a common division wall with an existing building or a building under construction to have side yards on each freestanding side. As noted above, neither dwelling on the abutting properties has a wall constructed on either shared property boundary.

However, the Board of Zoning Adjustment previously determined that a semi-detached one-family dwelling is allowed as a matter of right in this district in accordance with the zoning definition, regardless of whether a common division wall exists or in under construction on an abutting property.¹

As a result, the zoning relief requested in the case is appropriate.

V. OFFICE OF PLANNING ANALYSIS

- Unique and exceptional conditions resulting in a practical difficulty:

Approximately 65% of the lots on this square are substandard in width, area or both. Nearly all lots are developed with existing dwellings that were constructed prior to the adoption of the existing Zoning Regulations (refer to Figure 2). The uniqueness of the subject property is that it is one of only four (8%) of square lots that have are not developed.

The practical difficulty is that there are no adjacent *undeveloped* lots under common ownership that could

be subdivided to create a site that is consistent with regulation standards. Since the lot cannot be altered to meet current Zoning Regulations, no structure can be constructed on the property for a use that is allowed in the R-2 district. The inability to erect a structure on this property for any use that is allowed in the zone district presents an exceptional practical difficulty.

- Determent the public good:

Construction of a semi-detached dwelling that otherwise meets the bulk and area standards of the Zoning Regulations would be consistent with the surrounding development in this established residential neighborhood and not detrimental to the public good.

- Detriment to the intent, purpose and integrity of the zoning regulations:

In light of the above analysis, construction of the dwelling as proposed would generally be consistent with the intent, purpose and integrity of the regulations. OP therefore thinks the application meets the standards for variance approval.

Figure 1



VI. AGENCY REVIEW

The District Department of Transportation may provide agency comments under a separate cover.

VII. COMMUNITY COMMENTS

The applicant's pre-hearing statement included letters of support from the owners of neighboring properties located at 4209 and 4210 12th Street NE. This application was also forwarded to Advisory Neighborhood Commission (ANC) 5B for review and comment. To date no ANC resolution on this case has been added to the case record file.

Figure 2

